

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-03-74
	§	C.A. No. C-05-179
JAIME DE LA CRUZ,	§	
Defendant/Movant.	§	

**ORDER VACATING PRIOR ORDER AND ORDER
FOR APPELLANT TO PROVIDE ADDITIONAL INFORMATION**

The undersigned's prior order granting Movant Jaime de la Cruz's ("de la Cruz" or "Appellant") motion to proceed on appeal *in forma pauperis*, signed and entered on March 14, 2006, is hereby VACATED. Accordingly, Appellant's motion to proceed on appeal *in forma pauperis*, (D.E. 36), remains pending.

In order for the undersigned to rule on his motion, Appellant must provide additional information. In particular, Appellant has not stated the issues that he intends to raise on appeal, nor has he provided any financial information from which the undersigned can determine whether he is financially eligible to proceed *in forma pauperis*. See Rule 24, Fed. R. App. P. (directing a defendant who desires to appeal *in forma pauperis* to file an affidavit that "states the issues that the party intends to present on appeal" and also to provide detailed financial information).

In light of the foregoing, the Court orders that, ***within twenty days of the entry of this order***, Appellant shall file with the Clerk a completed *in forma pauperis* application, ***including*** information from the institution where he is incarcerated certifying the balance in his inmate trust account and certifying the average balance during the six months preceding his application. Additionally, ***within***

twenty days of the entry of this Order, Appellant shall file an affidavit stating the grounds for his appeal, so that it can be determined whether his appeal is frivolous.

Once this information is received, the undersigned will then rule on his motion to proceed *in forma pauperis*. Appellant is also advised that a failure to timely provide the information ordered herein may result in the dismissal of his appeal.

Additionally, the Clerk is directed to mail Appellant a blank *in forma pauperis* application with his copy of this Order.

It is ORDERED this 24th day of March, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE